

ARTICLE APPEARED

ON PAGE B-10

NEW YORK TIMES

10 April 1986

Congress

More Lessons in the Secrecy Trade

By STEVEN V. ROBERTS

Special to The New York Times

WASHINGTON, April 9 — Rumors swirled around Capitol Hill Tuesday that the Reagan Administration was planning a major attack against Libyan-based terrorists, reported Senator Dave Durenberger. So when Republican leaders met with the President at the White House this morning, "half the people in the room expected him to say something about Libya," said Mr. Durenberger, who heads the intelligence committee.

When asked about the subject, the President laughed off the rumors. But Senator Durenberger recounted the incident, he said, to illustrate how members of Congress are increasingly unhappy with the Administration's refusal to brief them about secret intelligence and paramilitary operations that are still in the planning stages.

"We're not being informed on any of these things," the Minnesota Republican complained.

The Libyan rumors highlight a basic question that has long troubled lawmakers: How does an open, democratic society effectively monitor secret intelligence operations?

That is being asked with growing frequency as the Administration pursues an aggressive policy of counterterrorism and supporting so-called "freedom fighters" around the world.

"We clearly are more confrontational," Senator Durenberger said. "We are following a policy of an eye for an eye, a tooth for a tooth. We are building an Israeli model here in the United States."

In the Senate, lawmakers have reacted to this new appetite for confrontation by opening private talks with Administration officials and urging them to establish a system that would keep Congress better informed about secret operations.

In the House, lawmakers are also disgruntled with the Administration's handling of covert operations, particularly its decision to ignore Congressional objections and send secret aid to insurgents fighting the government of Angola. Representative Lee H. Hamilton, chairman of the House intelligence panel, has introduced legislation that would force the White House to ask openly for the aid.

The Indiana Democrat argues that an American commitment to the rebel forces in southern Africa is an

important foreign policy question and should be discussed publicly, not just within the confines of the intelligence panel.

Some lawmakers, like many Administration officials, say the whole subject of secret operations should not be openly debated on Capitol Hill. Representative Henry J. Hyde of Illinois, a senior Republican on the intelligence committee, said Mr. Reagan's foreign policy was being "strangled in its crib" by critics who publicize covert campaigns, such as the Angolan matter.

On Blowing the Whistle

"The White House," Mr. Hyde said, "is totally incapable of carrying on covert activities if someone disagrees and blows the whistle."

But Congressional oversight of covert operations is clearly growing as an issue, particularly as the Administration becomes involved in more paramilitary campaigns. As Representative Robert W. Kastenmeier, a Democrat from Wisconsin who is a member of the intelligence committee, put it, "We're really being tested by the Administration now."

The current oversight system was established 10 years ago, after the Vietnam War and a flurry of disclosures about secret intelligence operations. Under this system, the Administration is required to inform both intelligence committees of any contemplated covert operations. The panels then have the right to comment on the plans but not to veto them.

According to Mr. Kastenmeier, the system worked well in the Carter Administration, which he said took a "reasonably compliant" approach to Congress. But problems emerged when the Reagan Administration started financing rebels fighting the government of Nicaragua.

Mr. Durenberger noted that for almost a year, Congress was unaware of the rebels' campaign to mine Nicaraguan harbors. After the operation was disclosed in 1984, he added, Congress insisted on a new set of guidelines that would require the Administration to keep lawmakers better informed.

Now, he said, members of Congress are pressing the Administration to

expand those guidelines in two ways. First of all, Mr. Durenberger said, the lawmakers want to be briefed in advance about counterterrorist operations, such as the recent attack on Libyan forces in the Gulf of Sidra.

"I sure as hell think we ought to be informed about that," he said.

Second, Congress is seeking more details about covert operations that are likely to become public, such as aid to the Angolan rebels. When the Administration informs Congress of such an operation, Mr. Durenberger said, it should provide a complete analysis of how it would affect American foreign policy.

A few members of Congress would like to go even further and give themselves veto power over covert operations. That idea does not command wide support, however, because most lawmakers still want to give the Administration the "benefit of the doubt" in foreign policy matters, noted Representative Dave McCurdy of Oklahoma, a senior Democrat on the intelligence panel.

"It's a very delicate balance," he said, "I don't think we can have hard-and-fast rules."

But so far, Mr. Durenberger said, the Administration's reaction has been skeptical and "untrusting," even to informal rules changes.

Not as a Partner

Mr. Kastenmeier says that on intelligence matters, the Administration regards Congress as "an obstacle, something to be coped with" and not as a partner in a "mutual enterprise."

By taking this attitude, Mr. Durenberger warns, the Administration runs a serious risk of losing Congressional support for its intelligence operations. Eventually, he said, Congress might try to pass legislation that bars certain secret operations or cuts off their financing.

"That's why," Senator Durenberger said, "the Administration is so dumb in not doing this sort of thing voluntarily."